



## LICENSING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE LICENSING COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON, TA1 1HE ON WEDNESDAY 1ST OCTOBER 2008 AT 18:15.

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### AGENDA

1. Appointment of Chairman
2. Appointment of Vice-Chairman
3. Apologies
4. Minutes of the meeting of the Licensing Committee held on 6 November 2007 (attached)
5. Public Question Time
6. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
7. New Model Standards 2008 for Caravan Sites in England - report of the Licensing Officer (attached) Amy Hunt
8. Introduction of a Simplified Process for Minor Variations to Premises Licences and Club Premises Certificates - report of Licensing Officer (attached) Olivia Walton
9. Proposal to Allow the Removal of Requirements for a Designated Premises Supervisor and Personal Licence Holder for Community Premises - report of the Licensing Officer (attached) Olivia Walton
10. Adoption of model licence conditions relating to Home Boarding Establishments - report of the Licensing Officer (attached). Amy Hunt
11. The Control of Sex Encounter Establishments - report of the Licensing Officer (attached) Olivia Walton

Tonya Meers  
Legal and Democratic Services Manager  
23 September 2008

Licensing Committee Members:-

Councillor Mrs Allgrove  
Councillor Beaven  
Councillor Coles  
Councillor Mrs Court-Stenning  
Councillor Guerrier  
Councillor Mrs Hill  
Councillor House  
Councillor Mrs Lees  
Councillor McMahon  
Councillor Meikle  
Councillor Murphy  
Councillor Watson  
Councillor Woolley



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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Website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

## **Licensing Committee – 6 November 2007**

Present:- Councillors Mrs Allgrove, Beaven, Coles, Mrs Court-Stenning, Floyd, Guerrier, Mrs Hill, House, Mrs Lees, McMahon, Meikle, Murphy, Watson and Woolley

Officers:- Mr J Barraah (Chief Environmental Health Officer), Mr J Hunter (Operations Manager (Public Safety)), Mr I Taylor (Chief Solicitor) and Mr Bryant (Democratic Support Manager)

(The meeting commenced at 6.15 pm).

### **1. Appointment of Chairman**

RESOLVED that Councillor Mrs Allgrove be appointed Chairman of the Licensing Committee for the remainder of the Municipal Year.

### **2. Appointment of Vice-Chairman**

RESOLVED that Councillor House be elected as Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

### **3. Minutes**

The minutes of the meeting held on 12 July 2006 were taken as read and were signed.

### **4. The roles and duties of the Licensing Unit**

The Operations Manager (Public Safety), Jim Hunter, explained that he was responsible for the management of the Licensing Unit which comprised one Senior Licensing Officer, two Licensing Officers and a Clerical Support Officer.

The Unit was part of Environmental Health and its purpose was to ensure public safety, prevent fraud and prevent harm to animals. It issued 50 different types of licences, permits or consents.

The busier more contentious areas of Licensing were licensed premises for the sale of alcohol or provision of regulated entertainment, gambling premises, taxis and sex shops. Other functions included animal welfare licensing, tattoo and piercing, street trading and charity collections.

Reported that much of the legislation relating to Licensing permitted the decision to grant, refuse or revoke licences or consents to be delegated to officer level. However certain Acts, such as the Licensing Act, stipulated that decisions were to be made by the Committee or a sub-Committee.

Decisions that were likely to be contentious or had political ramifications would also normally be referred to the Committee. Noted that some matters

such as fees and charges or the adoption of new policy was referred to the Executive or Council for approval.

Mr Hunter went on to outline some of the recent successes of the Licensing Unit. These included:-

- The Licensing Act 2003 where every premises within Taunton Deane which sold alcohol, provided regulated entertainment or late night refreshment all had to be licensed within a six month period ending on 6 August 2005. Despite the receipt of late guidance from the Government, Taunton Deane was one of very few Council's across the country where 100% of licences were issued on time. This feat had been recognised by the Government who had asked Taunton Deane to become a "Scrutiny Council" to overview the workings of the Licensing Act. One significant area the Council had been involved with since becoming a Scrutiny Council were the necessary changes made to the licensing of village halls;
- Being part of STARC (Somerset Tackling Alcohol Related Crime). Through this initiative a number of measures were being introduced including ways to stop underage sales;
- Producing with South Somerset District Council "My Guide to Licensing" – a step by step guide for anyone wishing to apply for a licence. Several hundred of these guides had already been sold; and
- Helping organise a "Meet the Regulators" event at Haynes Motor Museum which attracted representatives from over 500 licensed premises in the area.

Topics which the Licensing Unit would be fully involved with in the near future included:-

- Taxi vehicle conditions which were due to be changed following consultation;
- Regulating charity direct debit sellers – the "chuggers";
- Changes to the Skin Piercing Regulations; and
- The licensing of school contract or hospital transport vehicles which were currently not licensed.

Following a lengthy question and answer session which was of particular benefit to the new members of the Committee, the report was noted.

The Committee thanked Mr Hunter and the Licensing Unit for the work it did particularly with regard to the Licensing Act which had put Taunton Deane firmly on the map.

## 5. **Consultation on the revised Licensing Policy drafted in accordance with the Licensing Act 2003**

The Licensing Act 2003 required each Local Authority to produce a Licensing Policy to be used to assist in determining licensing applications. Taunton Deane's policy was adopted in December 2004.

Reported that the Act required each Licensing Authority to review its policy at least every three years.

Submitted for the attention of members the revised draft Licensing Policy. The aims and objectives of the Licensing Policy were to provide guidance on what would normally be approved in relation to an application for a licensed premises. This guidance would not be restricted to the applicant but would also provide advice for other interested parties such as nearby residents and businesses.

The key differences between the existing Policy and the draft revised Policy were that:-

1. The revised Licensing Policy did not duplicate legislation or the Secretary of State's guidance; and
2. The revised Policy did not include any references to the transitional arrangements included in the original document as they were no longer available.

Noted that the specific changes in the Policy were:-

- The revised Licensing Policy placed a presumption that there would be a last time of entry (1 a.m.) to licensed premises; and
- The revised Policy encouraged applicants to give more consideration to noise related issues, glass related injuries, smokers, smoking outside their premises and underage sales.

Reported that all stakeholders, including licensed premises and responsible authorities had been advised there would be a twelve week consultation process ending on 2 November 2007. Only one representation had been received during this period from the British Beer and Pub Association, details of which were submitted together with Taunton Deane's responses thereto.

As a result, the draft revised Policy had been amended as follows:-

- (a) Paragraph 2.1.2 – alter first bullet point to read “sale of alcohol from “on” and “off” licensed premises to underage drinkers” and amend fourth bullet point to read “nuisance and disturbance from smokers immediately outside premises.”
- (b) Re-word paragraph 2.1.4 to read:-  
“Crime statistics locally indicate that a last time of entry condition is assisting in the promotion of the licensing objectives. It is therefore expected that applicants for late licensed premises will be expected to provide detailed reasons in their operating schedules for seeking to allow any new entry to the premises after 1 a.m.”
- (c) Delete the words “and so applications for such premises to operate past midnight are more likely to be successful” from the last sentence of paragraph 2.3.4.

RESOLVED that:-

- (1) The draft revised Licensing Policy, as amended above, be supported; and
- (2) The Executive be recommended to approve the draft revised Licensing Policy.

(The meeting ended at 7.35 pm).

# **TAUNTON DEANE BOROUGH COUNCIL**

## **Licensing Committee – 1 October 2008**

### **Report of the Licensing Officer**

#### **Summary**

This report outlines the New Model Standards 2008 for Caravan Sites in England and the application of these model standards to the licences of the caravan sites in the district.

#### **New Model Standards 2008 for Caravan Sites in England**

##### **1. Purpose of Report**

- 1.1 The purpose of this report is to summarise the New Model Standards 2008 for Caravans Sites in England, the main changes when compared to the last Model Standards issued in 1989 and the process involved in applying any appropriate standards/conditions to licences of Caravan Sites in the Taunton Deane district.
- 1.2 The report also requests the licensing committee to consider delegating authorised officers the authority to apply appropriate conditions to caravan site licences.

##### **2. Background**

- 2.1 Under Section 5(6) of the Caravan Sites and Control of Development Act 1960 the Secretary of State may from time to time specify model standards with respect to caravan sites which the local authority must have regard to.
- 2.2 The New Model Standards 2008 for Caravan Sites in England were issued in April 2008 by the Department for Communities and Local Government.
- 2.3 The new model standards are conditions that primarily relate to the lay-out and the provision of facilities, services and equipment. The conditions fall under the following main headings:
  1. The Boundaries and Plan of the Site
  2. Density, Spacing and Parking between caravans
  3. Roads, Gateways and Overhead Cables
  4. Footpaths and Pavements
  5. Lighting
  6. Bases
  7. Maintenance of Common Areas, including Grass, Vegetation and Trees
  8. Supply and Storage of Gas etc
  9. Electrical Installations
  10. Water Supply



11. Drainage and Sanitation
12. Domestic Refuse Storage and Disposal
13. Communal Vehicular Parking
14. Communal Recreation Space
15. Notices and Information
16. Flooding
17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005.
18. Fire Safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply.

A copy of the full model standards is available in Appendix 1. The term “caravan” in these model standards includes a Mobile or Park Home.

- 2.3 The model standards are an updated version of the last standards issued in 1989 (a copy of which are available in appendix 2). The main differences are the inclusion of a number of new requirements regarding maintenance of sites, flood protection measures and generally updating other conditions in line with new regulations/legislation/safety standards.
- 2.4 The New Model Standards 2008 only apply to caravan sites which contain caravans that are used as permanent residential units, they do not apply to sites used exclusively for holidays or touring caravan sites. However, they do apply to mixed residential/holiday sites.
- 2.5 The Local Authority may attach conditions to a new licence or may from time to time alter site licence conditions. When the Local Authority is deciding what conditions to attach to a site licence it must now have regard to these new standards, however, the Local Authority are not limited by these standards and can add extra local conditions if required.

### **3. Legislation and Application of New Model Standards**

- 3.1 As outlined above under Section 5 of the Caravan Sites and Control of Development Act 1960 (as amended) a Local Authority may attach conditions to a caravan site licence relating to the use of the site and its management. Under Section 5(6) of the same Act the Secretary of State may issue Model Standards which the Local Authority must have regard to in deciding what conditions to attach to a licence.
- 3.2 Therefore if a new application for a site licence was granted consideration of the imposition of conditions should take place as detailed in sub paragraph 3.1 above.
- 3.3 Under Section 8 of the Caravan Sites and Control of Development Act 1960 (as amended) the Local Authority can also consider from time to time altering the conditions held on an existing site licence. When doing so the Local Authority must consider whether it is appropriate to apply the new standard and justify any reasons for doing so. The Local Authority must also have regard to the benefit that the standard will achieve and the interests of the residents and the licence holder. This process must involve consultation with the Licence Holder and the

residents/residents association allowing them an opportunity to make representations.

- 3.4 A licence holder may appeal against the imposition of a condition on the site licence, to the local Magistrates' Court.
- 3.5 The new model conditions cannot be issued as a blanket policy rather each site should be considered on its own merits and appropriate conditions should be identified accordingly.

#### **4. Consultation**

- 4.1 Officers of the Licensing Unit are currently in the process of carrying out inspections of all permanent residential caravan sites in the district and requesting an up to date plan for each site with a view to establishing which (if any) of these model standards it is appropriate to apply to existing site licences.
- 4.2 Any site licence holders that are not aware of the new model standards are being sent a copy for their information and consideration.
- 4.3 It is anticipated that a meeting will first take place between an officer of the licensing unit and the site licence holder to discuss the addition of any new conditions before the formal consultation process.
- 4.4 When the Licensing Officer has produced some proposed new or revised Caravan Site Conditions a formal consultation process will be undertaken on these with the site operator and any site residents, at which point representations can be made.
- 4.5 Following receipt of any representations the Licensing Officer will consider any issues raised and try to reach agreement with all parties concerning the new conditions. Failure to reach agreement will necessitate the convening of a Licensing Sub Committee to determine the matter.

#### **5. Recommendations**

- 5.1 That the Licensing Committee notes the existence and content of the New Model Standards for Caravan Site in England 2008.
- 5.2 That Authorised Licensing Officers are provided with delegated authority to agree and impose conditions on new Caravan Site Licences or to revise conditions on existing Caravan Site Licences, where agreement can be reached with a site operator, following receipt of representations arising from a consultation process.
- 5.3 That a Licensing Sub Committee will be convened to hear and determine the imposition of conditions on a new Caravan Site Licence or alteration to the conditions on an existing Caravan Site Licence, where agreement cannot be reached with the Site Operator, following receipt of representations arising from a consultation process.

**Contact Officer:**

Amy Hunt    Licensing Officer

ext 2890

## **Model Standards 2008 for Caravan Sites in England:**

### **1. The Boundaries and Plan of the Site**

- (i) The Boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the Local Authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.  
  
(b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

### **2. Density, Spacing and Parking Between Caravans**

- (i) Except in the case aforementioned in sub paragraph (iii) and subject to the sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in sub paragraph (i) or (iii):
  - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.
  - (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
  - (c) Any structure including steps, ramps etc (except a garage or car port) which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5

metre clear distance between any such structure and any adjacent caravan.

- (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- (e) Windows in structures within the separation distances shall not face towards the caravan on either side.
- (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
- (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.

(v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

### **3. Roads, Gateways and Overhead Cables:**

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of a suitable bitumen macadem or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.
- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.
- (viii) Roads shall be maintained in a good condition.
- (ix) Cable overhangs must meet the statutory requirements.

### **4. Footpaths and Pavements**

- (i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in a good condition.

(ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

## **5. Lighting**

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

## **6. Bases**

(i) Every unit must stand on a concrete base or hard-standing.

(ii) The base must extend over the whole area occupied by the unit, and must project sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

## **7. Maintenance of Common Area, including Grass, Vegetation and Trees.**

(i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.

(ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.

(iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.

(iv) Trees within the site shall (subject to the necessary consents) be maintained.

(v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

## **8. Supply and Storage of Gas etc.**

(i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.

(ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

## **9. Electrical Installations**

(i) On the site there shall be installed an electricity network or adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.

(ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.

(iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.

(iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

## **10. Water Supply**

(i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.

(ii) All new water supplied shall be in accordance with all current legislation, regulations and relevant British or European Standards.

(iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.

(iv) Work on water supplied and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

## **11. Drainage and Sanitation**

(i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.

(ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewerage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.

(iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.

(iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British and European standards.

## **12. Domestic Refuse Storage and Disposal**

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

## **13. Communal Vehicular Parking**

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

## **14. Communal Recreation Space**

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

## **15. Notices and Information**

(i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

(ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.

(iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.

(iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:

- (a) A copy of the most recent periodical electrical inspection report.
- (b) A copy of the site owner's certificate of public liability insurance.
- (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
- (d) A copy of the fire risk assessment made for the site.

(v) All notices shall be suitably protected from the weather and from direct sunlight.



## **16. Flooding**

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environmental Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

## **17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005.**

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

## **18. Fire Safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups).**

- (i) The standards in this paragraph only apply if the site is not subject to the Regulatory Reform (Fire Safety) Order 2005.

### **Fire Points:**

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

### **Fire Fighting Equipment**

- (iii) Where water standpipes are provided:
  - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
  - (b) There shall be a reel that complies with the current British or European standard, with a hose not less than 35 metres long, having means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
  - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.

(iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.

(v) Access to hydrants and other water supplies shall not be obstructed or obscured.

(vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

### **Fire Warning**

(vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

### **Maintenance and Testing of Fire Fighting Equipment**

(viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

(ix) A record shall be kept of all testing and remedial action taken.

(x) All equipment susceptible to damage by frost shall be suitably protected.

### **Fire Notices**

(xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

- i. Ensure the caravan or site building involved is evacuated.
- ii. Raise the alarm
- iii. Call the fire brigade (the nearest phone is sited at.....)”

## **MODEL STANDARDS 1989: PERMANENT RESIDENTIAL MOBILE HOME SITES**

### **Caravan Sites and Control of Development Act, 1960 Section 5**

I. Section 5(6) of the Act provides that the Secretary of State may from time to time specify Model Standards with respect to the lay-out and the provision of facilities, services and equipment for caravan sites or particular types of caravan site; and that, in deciding what (if any) conditions to attach to a site licence, the local authority shall have regard to any standards so specified.

Section 7(1) provides that on an appeal against any condition of a site licence a magistrates' court, if satisfied, having regard amongst other things to any standards specified by the Secretary of State under section 5(6), that a condition is unduly burdensome, may vary or cancel the condition.

II. In pursuance of his powers under section 5(6) of the Act, the Secretary of State hereby specifies the following standards in relation to caravan sites on which some or all of the caravans are used as permanent residences by people other than gypsies or agricultural workers. They are Model Standards: they represent the standards normally to be expected as a matter of good practice on such sites. They are not intended to apply to any other type of caravan site-for example, sites which only have holiday caravans, or touring caravan sites. They should be applied with due regard to the particular circumstances of each case, including the physical character of the site, any services or facilities that may already be available within convenient reach, and other local conditions.

#### Site Boundaries

1. The boundaries of the site should be clearly marked, for example by fences or hedges. In addition, the site owner should give the local authority a plan of its layout. It is recommended that a 3-metre wide area should be kept clear within the inside of all boundaries.

#### Density and space between caravans

2. Subject to the following variations, every caravan should be not less than 6 metres from any other caravan which is occupied separately and not less than 2 metres from a road. The point of measurement for porches, awnings etc is the exterior cladding of the caravan.

- Porches may protrude 1m into the 6 metres and should be of the open - type.
- Where awnings are used, the distance between any part of the awning and an adjoining caravan should not be less than 3 metres. They should

- not be of the type which incorporates sleeping accommodation and they should not face each other or touch.
- Eaves, drainpipes and bay windows may extend into the 6 metres space provided the total distance between the extremities of 2 adjacent units is not less than 5.25 metres.
  - Where there are ramps for the disabled, verandahs and stairs extending from the unit, there should be 4.5m clear space between them and two such items should not face each other in any space. If they are enclosed, they may need to be considered as part of the unit and, as such, should not intrude into the 6 metre space.
  - A garage, a shed or a covered storage space should be permitted between units only if it is of noncombustible construction (including non-combustible roof) and sufficient space is maintained around each unit so as not to prejudice means of escape in case of fire. Windows in such structures should not face towards the units on either side. Car ports and covered walkways should in no circumstances be allowed within the 6 metre space. For cars and boats between units, see standard (27).

3. The density should be consistent with safety standards and health and safety requirements. The gross density should not exceed 50 caravans to the hectare, calculated on the basis of the useable area (i.e. excluding lakes, roads, communal services and other areas unsuitable for the siting of caravans) rather than the total site area.

#### Roads, gateways and footpaths

4. Roads and footpaths should be designed to provide adequate access for fire appliances. (Detailed guidance on turning circles etc is available from fire authorities). Roads of suitable material should be provided so that no caravan standing is more than 50 metres from a road. Where the approach to the caravan is across ground that may become difficult or dangerous to negotiate in wet weather, each standing should be connected to a carriage-way by a footpath with a hard surface. Roads should not be less than 3.7 metres wide, or, if they form part of a clearly marked one way traffic system, 3 metres wide. Gateways should be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres. Footpaths should not be less than 0.75 metres wide. Roads should have no overhead cable less than 4.5 metres above the ground. Roads and footpaths should be suitably lit. Emergency vehicle routes within the site should be kept clear of obstruction at all times.

### Hard standings

5. Every caravan should stand on a concrete hard-standing which should extend over the whole area occupied by the caravan placed upon it, and should project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely.

### Fire fighting appliances

#### *Fire Points*

6. These should be established so that no caravan or site building is more than 30 metres from a fire point. They should be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

#### *Fire Fighting Equipment*

7. Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes should be situated at each fire point. There should also be a reel that complies with British Standard 5306 Part 1, with a hose not less than 30 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand control nozzle. Hoses should be housed in a box painted red and marked "HOSE REEL".

8. Where standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants should be installed within 100 metres of every caravan standing. Hydrants should conform to British Standard 750. Access to hydrants and other water supplies should not be obstructed or obscured.

9. Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point should be provided with either water extinguishers (2 x 9 litre) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

#### *Fire Warning*

10. A means of raising the alarm in the event of a fire should be provided at each fire point. This could be by means of a manually operated sounder, e.g. metal triangle with a striker, gong or hand operated siren. The advice of the fire authority should be sought on an appropriate system.

### *Maintenance*

11. All alarm and fire fighting equipment should be installed, tested and maintained in working order by a competent person and be available for inspection by, or on behalf of, the licensing authority. A log book should be kept to record all tests and any remedial action.

12. All equipment susceptible to damage by frost should be suitably protected.

### *Fire Notices*

13. A clearly written and conspicuous notice should be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice should include the following:

“On discovering a fire

(i Ensure the caravan or site building involved is evacuated

(ii raise the alarm

(iii call the fire brigade (the nearest telephone is sited..... )

(iv attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment.”

### *Fire Hazards*

14. Long grass and vegetation should be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings should be removed from the vicinity of caravans. The space beneath and between caravans should not be used for the storage of combustible materials.

### *Telephones*

15. An immediately accessible telephone should be available on the site for calling the emergency services. A notice by the telephone should include the address of the site.

### Storage of liquefied petroleum gas (LPG)

16. LPG storage supplied from tanks should comply with Guidance Booklet HSG 34 “The Storage of LPG at Fixed Installations” or, where LPG is supplied from cylinders, with Guidance Note CS4 “The Keeping of Cylinders and Similar Containers” as appropriate. **N.B:** This has now been superseded by LPGA Code of Practice No.7 : 1998 : Storage of Full and Empty LPG Cylinders and Cartridges.

Where there are metered supplies from a common LPG storage tank, then Guidance Note CS11 "The Storage and Use of LPG at Metered Estates" provides further guidance. In this case and where a British Gas mains supply is available, then, the Gas Safety (Installation and use) Regulations 1984 and the Pipe-lines Act 1962 may also be applicable.

Exposed gas bottles or cylinders should not be within the separation boundary of an adjoining unit.

LPG installations should conform to British Standard 5482, "Code of Practice for domestic butane and propane gas burning installations, Part 2 : 1977 Installations in caravans and non-permanent dwellings."

For mains gas supply, the 1984 Regulations will be relevant for the installation downstream of any service pipe(s) supplying any primary meter(s) and such service pipes are subject to the Gas Safety Regulations 1972.

In cases where the site owner supplies gas to caravans on the site, he may need an authorisation to do so from OFGAS under the Gas Act 1986.

### Electrical installations

17. Sites should be provided with an electricity supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.

18. Any electrical installations, which are not Electricity Board works and circuits subject to regulations made by the Secretary of State under section 16 of the Energy Act 1983 and section 64 of the Electricity Act 1947, should be installed, tested and maintained in accordance with the provisions of the Institution of Electrical Engineers' (IEE) Regulations for Electrical Installations for the time being in force, and where appropriate, to the standard which would be acceptable for the purposes of the Electricity Regulations 1988, Statutory Instrument 1988 No. 1057.

19. Work on electrical installations and appliances should be carried out only by a competent person such as the manufacturer's appointed agent, the electricity supplier, a professionally qualified electrical engineer, a member of the Electrical Contractor's Association, a contractor approved by the National Inspection Council for Electrical Installation Contracting, or a qualified person acting on behalf of one of the above. The installations should be inspected periodically: under IEE Wiring Regulations, every year or such longer period (not exceeding 3 years) as is considered appropriate in each case. When an installation is inspected, it should be judged against the current regulations.

The inspector should, within 1 month of such an inspection, issue an inspection certificate in the form prescribed in the IEE Wiring Regulations which should be

retained by the site operator and displayed, supplemented or replaced by subsequent certificates, with the site licence. The cost of the inspection and report should be met by the site operator or licenceholder.

20. If an inspection reveals that an installation no longer complies with the regulations extant at the time it was first installed, any deficiencies should be rectified. Any major alterations and extensions to an installation and all parts of the existing installation affected by them should comply with the latest version of the IEE Wiring Regulations.

21. If there are overhead electrical lines on the site, suitable warning notices should be displayed at the entrances to the site and on supports for the line. Where appropriate, particular attention should be drawn to the danger of masts of yachts or dinghies contacting the line.

#### Water supply

22. All parks should be provided with a water supply in accordance with appropriate Water Byelaws and statutory quality standards.

#### Drainage, sanitation and washing facilities

23. Satisfactory provision should be made for foul drainage, either by connection to a public sewer or sewage treatment works or by discharging to a properly constructed septic tank or cesspool approved by the local authority.

24. Each caravan should have its own water supply and water closet. Each caravan standing should be provided with a connection to the foul drainage system; the connection should be capable of being made airtight when not in use.

25. Every site and every hard standing should be provided with an adequate drainage system for the complete and hygienic disposal of foul, rain and surface water from the site, buildings, caravans, roads and footpaths.

#### Refuse disposal

26. Every caravan standing should have an adequate number of suitable non-combustible refuse bins with close-fitting lids or plastic bags. Arrangements should be made for the bins to be emptied regularly. Where communal refuse bins are also provided these should be of similar construction and housed within a properly constructed bin store.



### Parking

27. One car only may be parked between adjoining caravans provided that the door to the caravan is not obstructed. Suitably surfaced parking spaces should be provided where necessary to meet the additional requirements of the occupants and their visitors. Plastic or wooden boats should not be parked between units.

### Recreation space

28. Where children live on the site, space equivalent to about one-tenth of the total area should be allocated for children's games and/or other recreational purposes. This provision will normally be necessary because of the limited space available round the caravans, but may be omitted where there are suitable alternative publicly provided recreational facilities which are readily accessible.

### Notices

29. A suitable sign should be prominently displayed at the site entrance indicating the name of the site.

30. A copy of the site licence with its conditions should be displayed prominently on the site.

31. Notices and a plan should be displayed on the site setting out the action to be taken in the event of an emergency. They should show where the police, fire brigade, ambulance, and local doctors can be contacted, and the location of the nearest public telephone. The notices should also give the name and location/telephone number of the site licence holder or his/her accredited representative. At sites subject to flood risk, warning notices should be displayed giving advice about the operation of the flood warning system.

32. All notices should be suitably protected from the weather and displayed where possible out of the direct rays of the sun, preferably in areas lit by artificial lighting.

# **Taunton Deane Borough Council**

**Licensing – 01 October 2008**

**Report by the Licensing Officer**

## **Report on the introduction of a simplified process for minor variations to Premises Licences and Club Premises Certificates**

### **1 SUMMARY**

- 1.1 The Government proposes to amend parts 3 and 4 of the Licensing Act 2003 to make provision for a simplified process for minor variations (changes) to premises licences and club premises certificates.

### **2 PURPOSE OF REPORT**

- 2.1 This report is intended to update the Licensing Committee on Government proposals to simplify the process for minor variations to premises licences and club premises certificates.

### **3 BACKGROUND**

- 3.1 It is proposed that the Licensing Act 2003 is to be amended to introduce a new process for 'minor variations'. Minor variations are broadly defined as any variation that does not impact adversely on the promotion of the licensing objectives. Licensing authorities will be required to consult with relevant responsible authorities as necessary, depending on the individual circumstances of the minor variation. Under this new process the applicant is not required to advertise the variation in a newspaper or circular or display it on a blue notice, or copy it to responsible authorities as they currently have to.

- 3.2 The minor variation process will include the following requirements;

- Licensing Authorities to consult with relevant authorities as necessary and take their views into account when determining an application.
- Licensing Authorities to respond to applicants within 10-working days following the receipt of an application, either to allow the minor variation or refer it to the full variation process. (if an application is not replied to by the Licensing Authority for what ever reason within the 10-day period then the applicant must re-submit the dis-application form, no further fee will be chargeable.
- No right of appeal against a decision to reject an application for minor variations.
- Where applications are referred to the full variation process that process will apply in full including the full 28-day notification period.

- 3.3 Exclusions of the minor variation process are as follows;

- The addition of the sale or supply of alcohol to a licence or club premises certificate.
- The sale or supply of alcohol at any time between 11pm and 7am; and

- Any increase in the amount of time on any day during which alcohol may be sold or supplied.

3.4 Minor variations will generally fall into four main categories; minor changes to the structure or layout of the premises, small adjustments to the licensing hours; the removal of out of date conditions; and the addition of certain licensable activities. In all cases it must be considered if the minor variations could impact adversely on the four licensing objectives. Adverse impacts on the four licensing objectives may be increasing the capacity for drinking on the premises; affecting access between the public part of the premises and the rest of the premises or the street or public way e.g. block emergency exits or routes to emergency exits.

#### **4 OFFICER'S COMMENTS**

4.1 Applications to vary the time during which other licensable activities take place should be considered on a case by case basis with reference to the likely impact on the licensing objectives. The nature of the licensable activity, the additional hours sought, proximity of the premises to local residents, the track record of the establishment, and if the proposed extensions of hours will apply only on weekends or during the week, will all need to be considered when reviewing an application for a minor variation. These factors are not an exhaustive list, previous experience or general knowledge regarding the premises should also be taken into account.

4.2 The Government expects to set fees at a level that would achieve full recovery of the administration, inspection and enforcement costs falling on the licensing authority associated with their licensing functions under the Licensing Act 2003. Following the Governments consultation with its keys stakeholders including LACORS (Local Authority Co-ordinators of Regulatory Services) the recommended fee for minor variation shall initially be set at £73.

4.3 This proposal is a welcome amendment in that it reduces the burden on local businesses and expense in relation to the existing variation application process. It also gives the licensing authority a degree of flexibility where common sense judgements can be made where only minor changes are requested that have no detrimental impact of the licensing objectives.

#### **5 RECOMMENDATION**

5.1 The committee is requested to note the contents of the report.

**Contact Officer:**

**Olivia Walton 01823 356343 x2411**

## **Taunton Deane Borough Council**

**Licensing – 01 October 2008**

**Report by the Licensing Officer**

**Report on the proposal to allow the removal of requirements for a Designated Premises Supervisor and Personal Licence Holder for community premises.**

### **1 SUMMARY**

- 1.1 This report summarises the introduction of a new process to allow community premises, including village halls, church halls, chapel halls and similar community buildings, to seek to disapply mandatory conditions that require;
- A designated premises supervisor to be specified on every premises licence authorising sales of alcohol; and
  - Every sale of alcohol at such premises to be authorised by a personal licence holder.

### **2 PURPOSE OF REPORT**

- 2.1 This report is intended to update the Licensing Committee on Government proposals to allow community premises to seek to disapply mandatory conditions under the Licensing Act 2003.

### **3 BACKGROUND**

- 3.1 Under the Licensing Act 2003 all sales of alcohol must be made or supervised by a personal licence holder and there must be a Designated Premises Supervisor (DPS) who holds a personal licence in respect of the premises. There may be more than one personal licence holder on the premises, however there is only the requirement for one Designated Premises Supervisor for the premises. There is no need for the Designated Premises Supervisor to be at the premises at all times, they simply must be involved in the day to day running of the premises.
- 3.2 Some community premises have found this obligation difficult to meet as they are often staffed by volunteers, or run by committees. Many have opted not to acquire a personal licence and to simply apply for entertainment only on their premises licence, relying on Temporary Event Notices (TENs) for the supply of alcohol, (as long as you are 18 or over, you can have a maximum of 5 TENs in any calendar year. A personal licence holder can have a maximum of 50 TENs per calendar year, each event to which a notice relates requires a £21 fee). With the limitations that a Temporary Event notice holds, it means that frequently not all social gatherings which involve sale of alcohol can be accommodated by TENs in premises, that don't have a premises licence for sale of alcohol.

- 3.4 The minor variation consultation took place from 31 November 2007 and concluded on 20 February 2008. The Government has opted for an option which would remove significant barriers to community premises securing a licence to fully cover all of their activities, whilst still retaining an adequate level of public protection in relation to the sale of alcohol. The option allows relevant premises licence holders to apply for the dis-application of the two mandatory conditions relating to personal licence holders and Designated Premises Supervisors in respect of premises licences authorising sales of alcohol at village halls, church hall, chapel halls and similar premises. Where such a dis-application is granted, it would give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence.

#### **4 OFFICER'S COMMENTS**

- 4.1 An application to dis-apply can only be made if the licence holder is or is to be a committee or board of individuals with responsibility for the management of the premises. If the application to dis-apply is successful then the effect of the new mandatory condition will be that the licence holder (i.e. the committee or the board) is responsible for the supervision of all alcohol sales made.
- 4.2 The Police can in exceptional circumstances object to a request for inclusion of the new mandatory condition on the grounds of crime and disorder and any responsible authority can seek reinstatement of the conditions through a licence review. If the Police do issue a notice seeking the refusal of an application the licensing authority must hold a hearing in order to reach a decision on whether to grant the application. The licence holder may appeal against any decision made to not include the new condition on their licence.
- 4.3 If a premises currently does not have alcohol supply on its premises licence and wishes to take advantage of the new conditions then the applicant simply submits a new premises licence application form, or variation application form (the addition of the sale or supply of alcohol to a licence or club premises certificate is excluded from the minor variation process) together with the new dis-apply application form and the required fee.
- 4.4 The Government expects to set fees at a level that would achieve the full recovery of the administration, inspection and enforcement costs falling on any licensing authority, community halls which are applying for a licence to allow the sale of alcohol for the first time either as a new or varied application will be looked at in great detail as usual, therefore it is not felt that an additional fee for the disapplication for the new condition would not be required.
- 4.5 If a community premises already have a licence which allows them to sell alcohol and they wish to take advantage of the new condition the fee will be set as £23.

#### **5 RECOMMENDATION**

- 5.1 The committee is requested to note the contents of the report.

**Contact Officer:**

**Olivia Walton 01823 356343 x2411**

# **TAUNTON DEANE BOROUGH COUNCIL**

## **Report of the Licensing Officer**

### **Adoption of Model Licence Conditions relating to Home Boarding Establishments.**

#### **Summary**

This report requests that the Licensing Committee considers and adopts new model licensing conditions for animal welfare in respect of home boarding establishments (dogs).

#### **1. Purpose of Report**

- 1.1 The purpose of this report is to request the Licensing Committee to consider adopting new model licence conditions under Section 1 of the Animal Boarding Establishments Act 1963 in relation to the licensing of home boarding establishments for dogs.

#### **2. Background**

- 2.1 Under Section 1 of the Animal Boarding Establishments Act 1963 any business providing accommodation for other people's dogs and cats must be licensed by the Local Authority.
- 2.2 In the past this has applied to traditional boarding establishments such as Kennels and Catteries. Recently however, there has been an increase in the popularity of Home Boarding Establishments which involves businesses providing accommodation for other peoples dogs within their home.
- 2.3 At present, model conditions exist and have been previously agreed by the Licensing Committee in relation to catteries and kennels. These conditions help the local authority to regulate the standards of accommodation and management of the premises, especially in relation to the well being of the animals being boarded and ensure that correct measures are in place.
- 2.4 In view of the increase in the number of home boarding establishments being made available in the Taunton Deane district it is felt that consideration should be given to adopting new model conditions. A copy of the proposed model conditions is available in Appendix 1.
- 2.5 These model conditions are those provided by the Local Authorities Co-ordinators of Regulatory Services (LACORS) and relate to the number of animals being boarded, the construction of the premises, training of staff, cleanliness of the premises, food and water supplies, disease control etc.
- 2.6 If the Licensing Committee formally adopt these conditions it will allow the Local Authority to licence the activity of Home Boarding and attach these conditions to licences to ensure standards of animal care are upheld.
- 2.7 The formal adoption of the model conditions gives the authority enforceable

standards with which to ensure consistency in enforcement.

- 2.8 At present there are at least two unlicensed home boarding establishments in the district. Without these model conditions being formally adopted these establishments will remain unlicensed and could therefore be unsafe when dogs are boarded there.

### **3. Legislation**

- 3.1 As outlined in 2 above under Section 1 of the Animal Boarding Establishments Act 1963 it is stated that the running of a boarding establishment is “the carrying on by him at premises of any nature (including a private dwelling) of a business of providing accommodation for others peoples animals”.
- 3.2 The existing legislation was obviously drafted without home boarding activities in mind, however, guidance from LACORS states that host families involved in home boarding activities are providing accommodation as defined in the Act and therefore if the host family is providing accommodation as a business then a licence is required.
- 3.3 As a result of this LACORS have provided model licence conditions. The model conditions were issued by LACORS in November 2005 and Local Authorities have been adopting them since that time.

### **4. Consultation**

- 4.1 Consultation has taken place at a national level by LACORS with all the relevant stakeholders. The Authority does not currently have any licensed Home Boarding Establishments and therefore no local consultations have taken place.

### **5. Recommendations**

- 5.1 That the Licensing Committee adopts the new model licence conditions in respect of Home Boarding found in Appendix 1 of this report.

#### **Contact Officer:**

Amy Hunt      Licensing Officer                                  ext 2890

## MODEL LICENCE CONDITIONS FOR HOME BOARDING ( DOGS)

### ANIMAL BOARDING ESTABLISHMENTS ACT 1963.

#### 1. INTRODUCTION

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.
- 1.2 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.
- 1.3 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.
- 1.4 No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
- 1.5 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.6 Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs.

#### 2. LICENCE DISPLAY

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

#### 3. NUMBERS OF ANIMALS

- 3.1 The maximum number of dogs to be kept at any one time is (enter number).
- 3.2 Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.
- 3.3 Where there is a resident dog or cat kept at the household, written consent from the owners of the boarded dog must be gained following a trial familiarisation session.



3.4 The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.

#### 4. CONSTRUCTION

4.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs.

4.2 The premises shall have its own entrance and must not have shared access e.g. communal stairs.

4.3 There must be adequate space, light, heat and ventilation for the dogs.

4.4 As far as reasonably practicable all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury to the dogs.

4.5 There must be sufficient space available to be able to keep the dogs separately if required.

4.6 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

#### 5. MANAGEMENT

##### 5.1 TRAINING

5.1.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out.

##### 5.2 CLEANLINESS

5.2.1 All areas where the dogs have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

5.2.2 All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.

5.2.3 All bedding areas must be kept clean and dry.

5.2.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.

5.2.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

### 5.3 FOOD AND WATER SUPPLIES

- 5.3.1 All dogs shall have an adequate supply of suitable food as directed by the client.
- 5.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.
- 5.3.3 Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross-infection. The Licensee however should also be able to provide extra bedding material.
- 5.3.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

### 5.4 KITCHEN FACILITIES

- 5.4.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.
- 5.4.2 All bulk supplies of food shall be kept in vermin proof containers.

### 5.5 DISEASE CONTROL AND VACCINATION

- 5.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
- 5.5.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.
- 5.5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.
- 5.5.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.

- 5.5.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.
- 5.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.
- 5.5.7 The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.
- 5.5.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

#### 5.6 ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.

- 5.6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 5.6.2 The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.
- 5.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon.
- 5.6.4 The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at a veterinary surgeons premises until the owners return.

#### 5.7 REGISTER

- 5.7.1 A register must be kept of all dogs boarded. The information kept must include the following:
- Date of arrival
  - Name of dog, any identification system such as microchip number, tattoo
  - Description, breed, age and gender of dog
  - Name, address and telephone number of owner or keeper
  - Name, address and telephone number of contact person whilst boarded
  - Name, address and telephone number of dog's veterinary surgeon
  - Anticipated and actual date of departure
  - Proof of current vaccinations, medical history and requirements
  - Health, welfare nutrition and exercise requirements
- 5.7.2 Such a register is to be available for inspection at all times by an officer of Licensing Authority, veterinary surgeon.

5.7.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

5.7.4 If medication is to be administered, this must be recorded.

5.7.4 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

## 5.8 SUPERVISION

5.8.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal Cautions for any animal welfare related offence.

5.8.2 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and then not on a regular basis.

5.8.3 No home where there are children under 5 years of age will be licensed.

5.8.4 Only people over 16 years of age are allowed to walk the dogs in public places.

## 5.9 EXERCISE

5.9.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission.

5.9.2 There must be direct access to a suitable outside area. The area / garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.

5.9.3 The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.

5.9.4 If there is a pond, it must be covered to avoid drowning.

5.9.5 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.

5.9.6 The Licensing Authority must be informed on the next working day if a dog is lost.

## 5.10 FIRE / EMERGENCY PRECAUTIONS

- 5.10.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
- 5.10.2 The occupier of the property must be aware of the location of the dogs in the property at all times.
- 5.10.3 Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.
- 5.10.4 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises is rendered uninhabitable.
- 5.10.5 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top & bottom of the staircase, or other appropriate location.
- 5.10.6 All doors to rooms must be kept shut at night.
- 5.10.7 All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.
- 5.10.8 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or oil appliances.
- 5.10.9 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

# **Taunton Deane Borough Council**

**Licensing – 01 October 2008**

**Report by the Licensing Officer**

## **Report on the control of Sex Encounter Establishments**

### **1 SUMMARY**

- 1.1 The government has consulted with sex trade organisations, representatives from the sex trade industry and Local Authorities in England and Wales regarding whether there should be increased powers delegated from Central Government to regulate Sex Encounter Establishments

### **2 PURPOSE OF REPORT**

- 2.1 This report summarises the current system for the regulation of Sex Encounter Establishments in England and Wales, clarifies the legal position and details the Fawcett Society argument for amendments to the Local Government (Miscellaneous Provisions) Act 1982.

### **3 BACKGROUND**

- 3.1 The Fawcett Society campaigns for equality between women and men in the UK on pay, pensions, justice and politics and is calling on the Government to reform sex establishments and lap dance club licensing. Their argument is that Lap dance clubs should be licensed as Sex Encounter Establishments so local authorities can put in place vital conditions and restrictions on clubs and local communities can make representations as to whether they want lap dance clubs in their areas.
- 3.2 Current statute imposes minimal regulation because lap dancing clubs outside London are treated in the same way as bars or restaurants.
- 3.3 Sex Establishments (Sex Shops and Sex Cinemas) are licensable under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982; At present this does not extend to include lap dancing clubs or other sexual encounter premises, with the exception of Greater London where they are controlled separately as 'Sex Encounter Establishments' under the Greater London Council (General Powers) Act 1986 (Annex A). In London the definition of 'Sex Establishment' in the Local Government (Miscellaneous Provisions) Act 1982 includes 'Sex Encounter Establishments' as well as Sex Shops and Sex Cinemas.
- 3.4 The definition of 'Sex Establishment' outside London, is either a Sex Cinema being a premises used to a significant degree for showing films which are concerned with primarily, or relate to, or are intended to stimulate sexual activity or a Sex Shop being a premises used for business which consists to a significant degree of selling sex articles. The definition also controls sex on celluloid or on the page; it does not control live sex.
- 3.5 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provides a much wider list of grounds of refusal for a licence for either a sex shop or cinema than is provided under the Licensing Act 2003.

- 3.6 The Licensing Act 2003 requires establishments with adult entertainment to ensure that the four licensing objectives are met these being; The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm. Where the application is for regulated entertainment by performance of dance, the applicant has to declare whether is it likely to include entertainment of an adult nature. They also have to include measures to overcome these objectives, for a lap dancing club we would expect to include in their operating schedules such restrictions as no entry to anyone under 18 years, no performers under 18 years, restrictions on signage, promotion and advertising, and no physical contact etc.
- 3.7 Controls can only then be imposed if a) relevant representation is made on the application by a responsible authority i.e. the Police, or an interested party, (local resident or business) and b) if the Licensing authority considers it necessary to promote one of the four licensing objectives. It is unlikely that a sex shop would have a premises licence under the Licensing Act 2003.
- 3.8 The Fawcett Society wants to make the following amendments to the Local Government (Miscellaneous Provisions) Act 1982 to give authorities outside London the same power to regulate sex encounter establishments as are enjoyed by London authorities.

#### **4 OFFICER'S COMMENTS**

- 4.1 From a Licensing Authority perspective it is desirable to have legislation specifically designed to effectively regulate Sex Encounter Establishment's such as lap dancing that is not effectively addressed through either the Local Government (Miscellaneous Provisions) Act 1982 or the Licensing Act 2003. The Statutory amendments would provide wider powers to control the proliferation of lap dancing establishments.
- 4.2 At present there is one licensed premises in the district that has indicated on their Licensing Act 2003 Premises Licence application that they may have adult entertainment at the venue on an ad hoc basis.
- 4.3 Julia Bradburn, Principal Licensing Officer at Taunton Deane Borough Council met with several ministers at the Home Office on 13<sup>th</sup> September 2008 and is now acting as a government advisor on the statutory amendment to the Local Government (Miscellaneous Provisions) Act 1982. It is thought that wording of the Act will be amended to cover all types of sex encounter establishment from topless car washes to private swingers clubs and lap dancing establishments. Councils will then be able to draft policies specific to their area and add conditions from a pool of model standard conditions drafted by Central Government. It is anticipated that the amended statute will come into force in early 2010.

#### **5 RECOMMENDATION**

- 5.1 The Committee is requested to note the contents of the report.

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